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REMARKS/ARGUMENTS

Claims 1-34 were originally filed in a patent application and subjected to a restriction to one of the following inventions: Group I, Claims 1-21; and Group II, Claims 22-34. Applicant hereby formally elects to prosecute the invention of Group I, Claims 1-21. Claims 22-34 have been canceled without prejudice.

The drawings were objected to as failing to comply with 37 C.F.R. 1.84(p)(4) because the reference character "104" had been used to designate both the "rear face" and the "cavity." Applicant has amended paragraph 0025 of the specification to identify the rear face by numeral 204, and all three sheets of the drawings have been amended to be consistent with the amendment to paragraph 0025. Withdrawal of the objection to the drawings is respectfully requested.

Claims 1-5, 7, 8, 10, 11-15, 17, 18, 20 and 21 had been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,426,320 (*Ernest et al.*) as evidenced by U.S. Patent No. 4,902,487 (*Cooper et al.*). Applicant respectfully points out that the rejection under 35 U.S.C. 102 is improper because it relies on two references, and there is no indication that the proposed reaction set forth in *Cooper et al.* would be inherent in the disclosure of *Ernest et al.*. A variety of reactions are possible involving diesel exhaust, depending upon what type of catalyst is used, where the catalyst is located, the temperature of the exhaust stream and the residence time of the exhaust over the catalyst. Nothing in *Ernest et al.* suggests that the proposed reaction would necessarily flow by following the disclosure of *Ernest et al.* See *Ex parte Levy*, 17 USPQ2d 1461 (BPAI 1990), and MPEP 2112. Therefore, the rejection under 35 U.S.C. 102 is improper.

Notwithstanding the foregoing, the rejection under 35 U.S.C. 102 improperly ignores claim limitations and therefore is improper. Applicant's independent Claim 1 calls for a first section positioned downstream of the second section, and wherein the second section "includes a wall flow filter having at least one through hole cell formed therein running the longitudinal length of the wall flow filter." *Ernest et al.* teaches using two "open cell filters." An open

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cell filter does not suggest a wall flow filter having a through hole formed therein running the longitudinal length of the wall flow filter. An open cell filter structure has a plurality of interconnected voids to provide a convoluted gas flow path. See *Ernest et al.*, column 2, lines 13-19.

The rejection in error mischaracterizes Applicant's invention as a combination of a coarse filter followed by a fine filter. Again, Applicant's independent claims 1, 11 and 21 all recite "and wherein the second section includes a wall flow filter having at least one through hole cell formed therein running the longitudinal length of the wall flow filter." *Ernest et al.* and *Cooper et al.* both teach away from the claimed invention in that *Ernest et al.* teaches the use of two open cell structures. *Cooper* teaches passing diesel exhaust gas through a low-pressure drop monolith catalyst (for example, a ceramic honeycomb) coated with platinum and then passing the gas downstream through a wire mesh particulate filter (see column 2, lines 16-26). *Copper* also states that as an alternative to the wire mesh filter, a ceramic wall flow filter or a ceramic foam filter, may be utilized. The reference teaches away from a first section comprising a foam followed by a section comprising a wall flow filter having at least one through hole cell formed therein running the longitudinal length of the wall flow filter. No *prima facie* case of anticipation has been established.

In error, the Examiner has taken the position regarding claims 8 and 18, that *Ernest et al.* discloses "a pore size in the range from about 2 to about 50 pores/mm (4-50 pores/inch)." The Examiner's attention is respectfully directed to *Ernest et al.*, column 2, lines 61-63, which discloses that the filters may "generally have a pore size from about 2 to about 50 pores per 25 millimeters in length." As such, *Ernest* actually teaches away from claims 8 and 18.

Claims 6 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Ernest et al.* Applicant maintains that the rejection improperly ignores claim limitations as cited above, and therefore no *prima facie* case of obviousness has been established.

Claims 9 and 19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over *Ernest et al.* as applied to Claims 1-5, 7, 8, 10-15, 17, 18, 20 and 21 in the Office Action, and further in view of U.S. Patent No. 5,183,608 (*Guile*). Again, Applicant maintains that the

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rejection improperly ignores claim limitations as stated above, and therefore, no prima facie case of obviousness has been established. With respect to claims 9 and 19, the Examiner correctly recognizes that *Ernest* fails to disclose a wall flow filtering including 25 to 300 cells per square inch in a cross-sectional area. However, the Examiner reads *Guile* in error because *Guile* actually discloses only an open cell filter, not a wall flow filter with though hole cells. No prima facie case of obviousness has been established with respect to claims 9 and 19.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration and allowance of the claims now in the case.

If for some reason a fees needs to be charged, please charge any such fees to Deposit Account No. 07-0960.

Respectfully submitted,



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Attachments